

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

CARL RILEY JACKSON, SR.

§

VS.

§

CIVIL ACTION NO. 9:16-CV-60

TRAVIS COUNTY, *et al.*,

§

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Carl Riley Jackson, Sr., proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Travis County, Texas, Kelley Whalen, Deputy Kelly, Unknown Deputy 1, Unknown Deputy 2, Marque Moore, Judge Denton, Darwin McKee, and the Texas State Bar, Disciplinary Council. Plaintiff brings suit against these defendants for money damages relating to a criminal conviction in Cause Number C1CR14210241 in Travis County, Texas.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

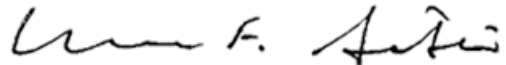
Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains of actions taken by various defendants relating to his criminal conviction in Cause Number C1CR14210241 in Travis County, Texas. It would appear a substantial part of the events or omissions giving rise to his claims occurred in the Western District of Texas, Austin Division. Venue, therefore, is not proper in the Eastern District of Texas, Lufkin Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Western District of Texas, Austin Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 12 day of April, 2016.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE